



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	DELAWARE REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, June 13, 2013 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	July 11, 2013

MEMBERS PRESENT

Christopher J. Whitfield, Professional Member, Chairman
Michael Harrington, Sr., Professional Member, Vice Chairman
Andrew Staton, Professional Member, Secretary
Vincent M. White, Professional Member
Ricky H. Allamong, Professional Member
Gilbert Emory, Public Member
James C. Brannon, Jr., Public Member
Patricia O'Brien, Public Member
Joseph F. McCann, Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Jessica Williams, Administrative Specialist II

MEMBERS ABSENT

ALSO PRESENT

Danielle Benson, REC Education Committee
Denise Tatman, DAR
Stephen Marcus, NEXTRE
Lorena Hartnett, Wilcox & Fetzer LTD

CALL TO ORDER

Mr. Whitfield called the meeting to order at 9:00 a.m.

REVIEW OF MINUTES

Mr. White made a motion, seconded by Mr. Staton, to approve the minutes of the meeting held on May 9, 2013. By unanimous vote, the motion carried.

NEW BUSINESS

Hearing – Real Estate Commission Education Guidelines

Please see below for hearing minutes.

Hearing – Proposed Revisions to the Rule and Regulations

Please see below for hearing minutes.

Education Committee Report

Danielle Benson addressed the Commission regarding the Committee's education approvals. Ms. Benson discussed with the Commission a negative course evaluation for an instructor. Mr. White asked Ms. Benson if the proper steps are being taken in reference to the negative course evaluation since this is the second time this instructor has been brought up to the Commission. Ms. Benson went through the steps that have been taken pursuant to Rule 11.0 of the Guidelines. Ms. Benson let the Commission know that after further discussion with the Education Committee, Ms. Wagner and Ms. Williams, the Informational Workshop that the Education Committee was working on has been deemed not necessary and is not financially feasible.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Mr. Staton made a motion, seconded by Mr. Harrington, to approve to the education approvals submitted to the Education Committee. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Salesperson Applications

Mr. Allamong made a motion, seconded by Mr. White, to ratify the following applications for salespersons:

Matthew Lenza, Century 21 Alliance-Folsom, Folsom, PA
Laura Panunto, Keller Williams Realty, Christiana, DE
Nikhil Patel, Keller Williams Realty Central DE, Dover, DE
John Carter, Keller Williams Realty Central DE, Dover, DE
Kerri Fauerbach, Keller Williams Realty, Christiana, DE
Muhammad Hussain, Meyer & Meyer Realty, Wilmington, DE
Michelle Kelly, Keller Williams Realty at the Beach, Rehoboth Beach, DE
Shirley Dogan, Weichert Realtors, Wilmington, DE
Mark Ariza, Weichert Realtors, Wilmington, DE
Irwin Lifrak, Keller Williams Realty, Wilmington, DE
Thomas Monahan, RE/MAX Crossroads, Fruitland, MD
Lois Clohessy, ERA Martin Associates, Salisbury, MD
Cyrus Brinn, Patterson Schwartz Real Estate, Hockessin, DE
Rajesh Veeragandham, Weichert Realtors, Wilmington, DE
Keith Schnetzer, Prudential Fox & Roach Realtors, Newark, DE
Shelby Allen, Long & Foster Real Estate, Inc., Bethany Beach, DE
Rachael Cartwright, Callaway, Fannell & Moore, Inc., Seaford, DE
Lydia Steinborge, Century 21 Harbor Realty, Salisbury, MD
James Mutschler, ERA Martin Associates, Salisbury, MD
Laura Henne, McWilliams Ballard, Alexandria, VA
Mitchell Donovan, Long & Foster Real Estate, Bethany Beach, DE
Sedeika Lubin, Weichert Realtors, Wilmington, DE
Michele Coviello, Coldwell Banker Rowley Realtors, Newark, DE

Anna Rousk, Prudential Fox & Roach, Hockessin, DE
Laura Collins, Keller Williams Realty, Christiana, DE
Eric Galinsky, Keller Williams Realty-Central, Dover, DE
Jesse Johnston, Keller Williams Real Estate, West Chester, PA
Deborah Gough, Metro Referral Associates, Inc., Chantilly, VA
Jorge Rosa, Cushman & Wakefield of DE, Inc., Wilmington, DE
Kevin Haynesworth, Patterson Schwartz Real Estate, Middletown, DE
Katherine Munsch, RE/MAX Associates, Newark, DE
Christine Freeman, Keller Williams Realty, Dover, DE
Kirk Vaughan, Long & Foster Real Estate, Bethany Beach, DE
Jonathan Grove, Resort Quest Real Estate, Bethany Beach, DE
Andrew Littleton, Harrington ERA Realty, Dover, DE

By unanimous vote, the motion carried.

Review of Salesperson Applications

The Commission reviewed the salesperson's application of Jeremy Morgan. Mr. Staton made a motion, seconded by Mr. Allamong, to approve Mr. Morgan's application. By unanimous vote, the motion carried.

The Commission reviewed the salesperson's application of Nancy Britt. Mr. Staton made a motion, seconded by Mr. Brannon, to approve Ms. Britt's application. By unanimous vote, the motion carried.

Review of Broker and Associate Broker Applications

The Commission reviewed the associate broker's application of Deborah Harris. Mr. White made a motion, seconded by Mr. McCann, to approve Ms. Harris' application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Amy Powalski. Mr. White made a motion, seconded by Mr. McCann, to approve Ms. Powalski's application. By unanimous vote, the motion carried.

The Commission reviewed the additional associate broker's application of Stephen Marcus. Mr. Staton made a motion, seconded by Mr. White, to table Mr. Marcus' application for the PA consent order submitted was not signed. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Daniel Pelouze. Mr. White made a motion, seconded by Mr. McCann, to approve Mr. Pelouze's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Maya Paveza. Mr. White made a motion, seconded by Mr. McCann, to approve Ms. Paveza's application. By unanimous vote, the motion carried.

Review of Applications for Reinstatement

The Commission reviewed the application of Ovidio Lopez for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. Harrington, to approve Mr. Lopez's reinstatement

application upon successful passing of the Delaware State Exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Joy Cronauer for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. Harrington, to approve Ms. Cronauer's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Shaunte Proctor for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. Harrington, to approve Ms. Proctor's reinstatement application. By unanimous vote, the motion carried.

The Commission reviewed the application of Karen Leary-Elcock for reinstatement of a salesperson's license. Mr. Whitfield made a motion, seconded by Mr. Harrington, to approve Ms. Leary-Elcock's reinstatement application upon successful passing of the National Exam. By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the application of Sperry Van Ness Miller Commercial for a relocation of their office. Mr. Staton made a motion, seconded by Mr. White, to approve this relocation office application. By unanimous vote, the motion carried.

The Commission reviewed the out of state applications for Jackson Cross Partners - relocation, RE/MAX Crossroads – relocation and Homeseach.com Realty Services, Inc. for a new office. Ms. Wagner initiated a discussion with the Commission about out of state offices. See comments under Discussion: Office Permits. As a result of that discussion, Mr. Staton made a motion, seconded by Mr. White, to approve the transferring of licensees to Jackson Cross Partners in PA, updating licensees' addresses from RE/MAX Crossroads and propose to deny the application for Homeseach.com Realty Services, Inc. for a new office. After further discussion on Homeseach.com Realty Services, Inc, Mr. Harrington made a motion, seconded by Mr. Brannon, to table the new office application for further information. By unanimous vote, the motion carried.

The Commission reviewed the application of Cruz Real Estate, Inc for relocation of office. Mr. Staton made a motion, seconded by Mr. White, to approve this relocation of office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Next Realty, Inc. for a new branch office. Mr. Brannon made a motion, seconded by Mr. Staton, to approve the new branch office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Patterson-Schwartz Real Estate for a new branch office. Mr. Brannon made a motion, seconded by Mr. Staton, to approve the new branch office application. By unanimous vote, the motion carried.

The Commission reviewed the application of PRS Real Estate Group for relocation of office. Mr. Brannon made a motion, seconded by Mr. Staton, to approve this relocation of office application. By unanimous vote, the motion carried.

Status of Complaints

Complaint No. 02-17-13 – Assigned to Mr. Harrington
Complaint No. 02-18-13 – Assigned to Mr. Whitfield
Complaint No. 02-19-13 – Assigned to Mr. Staton

Complaint No. 02-20-13 – Assigned to Mr. White
Complaint No. 02-15-12 – Closed by DAG
Complaint No. 02-12-12 – Closed by Investigator

Hearing Officer Recommendations

William Moore - Commission members reviewed the recommendation from the Hearing Officer with Ms. Kelly describing the sanctions. Mr. White made a motion, seconded by Mr. Staton, to approve and change the Hearing Officer's recommendation with added sanctions of an increased fine of 1,000.00, completion of continuing education Modules 1, 2, and 6 and that these continuing education credits will not be applied to the 2014 renewal. Mr. White withdrew his motion, seconded by Mr. Staton. By unanimous vote, the motion carried.

After further discussion, Mr. White made a motion, seconded by Ms. O'Brien, to not accept the recommendation as written. By unanimous vote, the motion carried.

Mr. White made a motion, seconded by Mr. Brannon, to have the following sanctions given to Mr. Moore: letter of reprimand, increased fine of 1,000.00, and the following continuing education courses to be completed: modules 1, 2, and 6. These credits will not count towards the 2014 renewal. By unanimous vote, the motion carried.

Jennifer Behm – Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer, and Ms. Behm's submitted documentation, with Ms. Kelly describing the sanctions. Mr. Brannon made a motion, seconded by Mr. White, to approve and accept the Hearing Officer's recommendation of suspension. By unanimous vote, the motion carried.

Celeste Smith - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Kelly describing the sanctions. Mr. Harrington made a motion, seconded by Mr. White, to not accept the Hearing Officer's recommendation as written and to order no discipline. Ms. Smith submitted a letter of explanation and copies of continuing education certificates, all of which were in the 2010-2012 timeframe, and therefore no suspension of license was warranted. By unanimous vote, the motion carried.

Thomas McCambridge - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Kelly describing the sanctions. Mr. White made a motion, seconded by Mr. McCann, to approve and accept the Hearing Officer's amended recommendation of no discipline. By unanimous vote, the motion carried.

Kevin Melloy - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Kelly describing the sanctions. Mr. Staton made a motion, seconded by Mr. Brannon, to approve and accept the Hearing Officer's recommendation of no discipline. By unanimous vote, the motion carried.

Patricia Cummings - Commission members reviewed the Rule to Show Cause Recommendation from the Hearing Officer with Ms. Kelly describing the sanctions. Mr. Whitfield made a motion, seconded by Mr. Emory, to approve and accept the Hearing Officer's amended recommendation of no discipline. By unanimous vote, the motion carried.

Election of Officers

A motion was made by Mr. Whitfield, seconded by Mr. Brannon, to nominate Mr. Harrington as Chairperson, Mr. Staton as Vice-Chairperson, and Mr. Allamong as Secretary. By unanimous vote, the motion carried.

Review and Discussion of Order: Benjamin Steward

The Commission reviewed the Order for Mr. Benjamin Steward. The Commission signed the Order.

Discussion: Transfer Form

Ms. Wagner discussed with the Commission the transfer form and how it is currently setup. There has been an increase of agents working from home offices that are out of state offices and the transfer form asks for a licensure history to be submitted before the Division will issue the transfer. However many people are only going to be doing Delaware transactions. Currently the Division asks for a licensure history from the State that the licensee will be working in. After discussion the Commission gave approval to update the transfer form to state that if a person is leaving an office in Delaware to transfer to an office outside of Delaware, the Division won't require a licensure history to be submitted. Licensees coming from an out of state office to a Delaware office will still need to submit a licensure history from the State they are coming from for proof that they are in good standing.

Discussion: Office Permits

Ms. Wagner asked the Commission for the reasoning for asking out of state offices to submit an application to receive a permit. After discussion the Commission agreed that they would like to have out of state offices submit an office application if the Broker is licensed in Delaware, but at this time there is nothing in the Law or the Rules and Regulations stating that this is the process. This will be discussed further in the Commission's subcommittee meeting in July.

Discussion: Annual Seminar

Ms. Wagner asked the Commission to start thinking about what topics they will want discussed at the Seminar in September. After a brief discussion, the Commission referred this to the Education Committee.

Discussion: Pearson Vue changes (Pass/Fail) notices

Ms. Wagner let the Commission know that Pearson Vue will be implementing a new feature concerning the score reports. This will be called Score Report Authentication. Pearson Vue will be replacing the security paper with a process referred to as digital embosser or on-line score report authentication. This new process will not affect the Commission in anyway with their review.

Review and Discussion of Consent Agreement: William Lucks

Commission members reviewed the consent agreement for Mr. William Lucks. After discussion, Mr. White made a motion, seconded by Mr. Brannon, to reject the consent agreement to request a monetary fine in the amount of \$500.00. By majority vote, the motion carried with Mr. Staton opposing.

Ms. Kelly will contact the prosecuting attorney about the rejection of the consent and the additional sanction the Commission would like to add to the letter of reprimand.

Property Disclosure Recommendations – Scheduling of Review Meeting

Mr. Allamong sent Ms. Wagner a list of property disclosure recommendations to handout to the Commission members. Mr. Allamong asked the Commission to take a look at the recommendations and asked to schedule a review meeting to discuss. After discussion, the Commission decided that they would hold a subcommittee meeting after their July Commission meeting to discuss this topic among other topics like virtual offices and permitting out of state offices.

Request for Telephonic Propose to Deny Hearing – Jennifer Stein

Mr. Harrington made a motion, seconded by Mr. Allamong, to deny the telephonic hearing. Discussion by the Commission members was about whether to allow a telephonic hearing or require that Ms. Stein travel to Delaware if she still wants to move ahead. Mr. Staton made a motion, seconded by Mr. Whitfield, to approve the telephonic hearing. After more discussion by the Commission members, by majority vote, the motion carried with Mr. Allamong, Mr. Emory, and Mr. Harrington opposing.

OLD BUSINESS

ARELLO Conference – Mr. White

Mr. White had Ms. Wagner hand out a report that Mr. White wrote up for the Commissioners about the ARELLO conference.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

Ms. Wagner asked the Commission if they would allow a person to down grade their license from a broker to a salesperson and what would be needed to allow this transaction. Mr. Harrington stated that if someone wishes to change their license type then they should be able to do so but if someone wanted to go back to being a broker, they would need to meet the requirements again. Ms. Wagner asked what would need to be submitted in order for this request to be granted and the Commission stated that only a letter would be needed.

Ms. Wagner also asked about the pre-licensing law course and if a person from another state takes the law portion of the pre-licensing course and the course is only 33 hours long, do the applicants still need to take additional hours to meet our 99 hour requirement. After discussion, Mr. Whitfield stated under section 2909 of Title 24, a person has three different ways to apply for licensure by reciprocity. If someone from another state chooses to apply by taking the DE Law pre-licensing course and passes the state law portion of the exam they don't have to meet the 99 hours requirement.

PUBLIC COMMENT

Mr. Stephen Marcus addressed the Commission regarding his application for an additional associate broker's license included on the agenda Mr. Marcus clarified that he already holds a Delaware license. He has a consent agreement pending in Pennsylvania which hasn't been finalized yet. Therefore, he has no discipline against his license at this time. Given this information, the Commission reconsidered Mr. Marcus' application, which had been tabled, and Mr. White made a motion, seconded by Mr. Staton, to approve Mr. Marcus' request for an additional associate broker's license. By unanimous vote, the motion carried.

Ms. Tatman addressed the Commission about DAR updating the property disclosure form and wanted clarification that in July the Commission would be having a subcommittee meeting and that the property

disclosure form would be part of the discussion. DAR is looking forward to moving on this form and the approval of some of the recommended proposed changes.

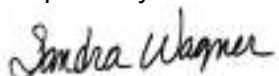
NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, July 11, 2013 at 9:00 a.m.

ADJOURNMENT

Mr. Brannon made a motion, seconded by Mr. Staton, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 11:28 a.m.

Respectfully submitted,



Sandra Wagner
Administrative Specialist III

HEARING MINUTES

HEARING – REAL ESTATE EDUCATION GUIDELINES

The Delaware Real Estate Commission held a hearing on June 13, 2013 at 9:15 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Christopher Whitfield, Michael Harrington, Sr, Andy Staton, Ricky Allamong, Vincent White, Gilbert Emory, James Brannon, Patricia O'Brien, Joseph McCann

PURPOSE: The proposed revisions to the Education Guidelines are for Rule 3.0, pertaining to the composition of the Education Committee. In addition, Rule 6.7 is added to permit licensees to obtain continuing education credit for completion of a broker's licensing course.

PRESIDING: Christopher Whitfield, Chairperson

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Eileen Kelly, DAG

COURT REPORTER PRESENT: Lorena Hartnett, Wilcox and Fetzner

TIME STARTED: 9:15 a.m.

The court reporter took verbatim testimony. Ms. Kelly stated that no written public comment was received by the Commission office. The Commission introduced themselves for the record. No public was present for comment. Ms. Kelly entered documents as State exhibit 1. Ms. Kelly summarized the proposed revisions for the Commission. Ms. Kelly said the proposed changes were published in the Delaware Register of Regulations on May 1, 2013, and the comment period has been open since then. Ms. Kelly said the written comment period would remain open for an additional 15 days. The

Commission will deliberate on the proposed changes at its next regularly scheduled meeting on July 11, 2013. The hearing concluded at 9:20 a.m.

HEARING MINUTES

HEARING – RULES AND REGULATIONS

The Delaware Real Estate Commission held a hearing on June 13, 2013 at 9:15 a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Christopher Whitfield, Michael Harrington, Sr, Andy Staton, Ricky Allamong, Vincent White, Gilbert Emory, James Brannon, Patricia O'Brien, Joseph McCann

PURPOSE: The Commission has proposed an addition to Rule 13.0 of the Rules and Regulations to permit licensees to obtain continuing education credit for the completion of a broker's licensing course. In addition, there is a typographical correction to Rule 13.1.

PRESIDING: Christopher Whitfield, Chairperson

BOARD STAFF: Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Eileen Kelly, DAG

COURT REPORTER PRESENT: Lorena Hartnett, Wilcox and Fetzer

TIME STARTED: 9:30 a.m.

The court reporter took verbatim testimony. Ms. Kelly stated that no written public comment was received by the Commission office. The Commission introduced themselves for the record. No public was present for comment. Ms. Kelly entered documents as State exhibit 1. Ms. Kelly summarized the proposed revisions for the Commission. Ms. Kelly said the proposed changes were published in the Delaware Register of Regulations on May 1, 2013, and the comment period has been open since then. Ms. Kelly said the written comment period would remain open for an additional 15 days. The Commission will deliberate on the proposed changes at its next regularly scheduled meeting on July 11, 2013. The hearing concluded at 9:35 a.m.